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December 05, 2003

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VIA FACSIMILE AND U.S. MAIL 202-219-3923

Ana J. Peña-Wallace, Esq.
 Attorney
 Central Enforcement Docket
 Federal Elections Commission
 999 E. Street, NW
 Washington, DC 20463

Re: MUR 5336, Yang Enterprises, Inc
 Client-Matter No. 006283/0008

Dear Ms. Peña-Wallace:

Please accept this letter as Yang Enterprises, Inc.'s (hereinafter Yang) response to your letter dated November 14, 2003. Specifically, you requested "any clarification and amplification [Yang] can provide" concerning the statement made in its first response that "[c]ontrary to the allegation made by the Union, no one from Yang or on behalf of Yang ever held a meeting, mandatory or otherwise, for the purpose of discussing the memorandum or the Jacobs Advertisement. However ever if such a meeting was held for the purpose of discussing the memorandum, the meeting would not have violated the Federal Elections Act of 1971 and would have been within Yang's First Amendment rights." In particular, you asked that Yang address whether it held any employee meetings during 2002 where the subject of picketing the campaign office of Harry Jacobs was at all discussed.

Our response to your request does not waive our initial position that the Commission is without jurisdiction in this matter.

However, even if Yang was a covered contractor, Yang did not violate Federal Election laws. To be clear, Yang did not hold any employee meetings during 2002 for the purpose of discussing the memorandum Mrs. Yang wrote¹ or the Jacobs Advertisement. Likewise, Yang did not hold any employee meetings during 2002 for the purpose of discussing the subject of picketing the campaign office of Harry Jacobs. Further, no one at Yang is aware of or recalls any other type of meeting with Yang employees during 2002 during which the subject of

¹ Initially, Yang distributed the memorandum to its employees at Kennedy Space Center. No meetings were held for this purpose. Shortly thereafter, SGS requested that Yang recover all copies of the memorandum. Yang immediately did so.

Ana J. Peña-Wallace, Esq.
December 05, 2003
Page 2

picketing Mr. Jacob's campaign headquarters was discussed or advocated by representatives of Yang.

On this basis, I respectfully request that the Office of the General Counsel recommend that the Commission find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, close the file.

If you have any questions, or require any additional information, please feel free to contact me.

Sincerely,



ALLEN J. McKENNA

Orlando:62933.1